REMARKS

Claims 1-10, 12-17, 19-21, and 24-35 are pending. The amendment to the claims has been made to add what is believed to be original patentable material from previously unamended dependent claims 11 and 18 to base Claims 1, 10, 15, and 20 and to clarify the subject matter being claimed.

Claims 24-35 have been added to further define the scope of the present invention. The support for Claims 24-27 is found in Figures 7A and 7B. The support for Claims 28-35 is found in original Claims 1 and 15 and Figures 7A and 7B.

Thus, it is respectfully submitted that no new matter has been added.

It is respectfully requested that the amendment be entered.

Claim Rejections 35 U.S.C. 112, First Paragraph

Claim 22 was rejected under 35 U.S.C. 112, First Paragraph.

Because Claims 22 and 23 were canceled, it is respectfully requested that the Patent Office withdraw the rejection of these claims.

Claim Rejections 35 U.S.C. 102

Claims 1-23 were all rejected under 35 U.S.C. § 102(b) as being anticipated by Pitzen et al., U.S. Patent No. 5,553,675.

This rejection is respectfully traversed.

A claim is anticipated by a reference if either each and every limitation of the claim is disclosed by the reference or is otherwise inherent. MPEP § 2131

The limitations of a push button and the release of the closure member when the push button is depressed were presented originally in Claims 11 and 18. These limitations are neither taught nor suggested by Pitzen.

All Claims recite releasing the closure member when a push button is depressed. In particular, Claims 1-9 and 24-27 recite "the first end being exposed through a wall of the tool housing and defining a moveable release arrangement that has a push button for selectively moving the closure member from the lock position to the release position when the push button is depressed, thereby allowing the battery to be easily removed from the power tool". Claims 10 and 12-14 recite "wherein the first end of the closure member is disposed through a side wall of the battery receiving portion and defines a push button for selectively moving the closure member from the lock position to the release position when the push button is depressed". Claims 15-17 and 19 recite "depressing the push button such that the closure member moves from the lock position to the release position" and "moving the battery in a second direction such that the attachment portion disengages from the battery receiving portion". Claims 20 and 21 recite "wherein an end of the closure member defines a push button for selectively moving the closure member from a lock position to a release position when the push button is depressed". Claims 28-35 recite "the closure member having a push button on a first end and an opposing second end, wherein depressing the push button inward relative to the battery receiving portion permits the attachment portion to be released from the battery receiving portion."

These limitations are not disclosed or suggested by Pitzen, the only reference cited in the last Office Action in rejecting the Claims. Pitzen discloses a "latch 56" "for releasably securing the battery 30 to the battery receiving portion 48". The "latch 56 comprises a blocking member 57 mounted on the lower portion of the housing 6 for movement between a latched (FIG. 4 and a release position". (col. 12, line 62, through

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col. 13, line 3). Figure 2 shows the blocking member traveling substantially along the longitudinal axis of the handle and biased by a spring 58 in that direction.

Neither latch 56 nor blocking member 57 in Pitzen is a push button. The term "depress" means "to cause to drop or sink, lower" or "to press down", according to the American Heritage Dictionary of the English Language, Fourth Edition, page 488. As is clearly shown by Figure 2, neither latch 56 nor blocking member is capable of attaining a release position when depressed because the release of the latch occurs with an upward sliding motion by the operator of the blocking member 57. In fact, Figure 2 indicates that the blocking member 57 and latch 56 are not capable of being depressed at all; that is, they cannot drop, sink, or lower and cannot actuate by being pressed down.

Accordingly, Pitzen does not anticipate nor make obvious the limitations of original claims 11 and 18 which have now been incorporated in Claims 1-10, 12-17, 19-21, and 24-35.

Thus, it is respectfully submitted that Claims 1-10, 12-17, 19-21, and 24-35 are allowable over the prior art of record.

CONCLUSION

In light of the forgoing, reconsideration of the claims is hereby requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Twice Amended) A cordless power tool including a battery, the power tool comprising:

(a) a main body portion;

(b) a handle portion extending from the main body portion; and

(c) a mechanism for releasably securing a battery having battery terminals to the handle portion, the mechanism including:

(i) a battery receiving portion integral with the handle portion, the battery receiving portion having at least one guide channel and battery contacts disposed therein;

(ii) a battery having an attachment portion integral with the battery, the attachment portion having at least one guide rail and being constructed and arranged for engaging the battery receiving portion such that

a. the battery terminals engage the battery contacts, and

b. the at least one guide channel and the at least one guide rail interlock;

(iii) a closure member operable with and transversely disposed at least partially within the battery receiving portion and configured to secure the battery within the battery receiving portion, the closure member having a lock position and a release position, the closure member including first and second opposite ends, the first end being exposed through a wall of the tool housing and defining a moveable release arrangement that has a push button for selectively moving the closure member from the lock position to the release position when the push button is depressed, thereby allowing the battery to be easily removed from the power tool.

10. (Twice Amended) A mechanism for releasably securing a battery having battery terminals to a power tool housing, the mechanism comprising:

(a) a battery receiving portion integral with the power tool housing, the battery receiving portion having battery contacts disposed therein and further having at least one guide channel;

(b) an attachment portion integral with the battery, the attachment portion having at least one guide rail and being constructed and arranged for engaging the battery receiving portion such that the battery terminals engage the battery contacts and the at least one guide channel and the at least one guide rail interlock;

(c) a closure member operable with and arranged substantially perpendicular to the battery receiving portion and configured to secure the battery within the battery receiving portion when the closure member is in a lock position and to disengage the battery when the closure member is in a release position, the closure member including:

(i) first and second opposite ends;

(ii) a body portion;

(iii) a locking portion integral with and extending from the body portion substantially near the second end of the closure member, the locking portion being constructed and arranged for releasably securing the battery within the battery receiving portion when the battery is positioned within the battery receiving portion,

wherein the first end of the closure member is disposed through a side wall of the battery receiving portion and defines a push button for selectively moving the closure member from the lock position to the release position when the push button is depressed.

15. (Twice Amended) A method of releasably securing a battery to a power tool housing comprising the steps of:

(a) providing a battery receiving portion integral with the tool housing and being configured with at least one guide channel, the battery receiving portion being operable with a closure member at least partially disposed transversely within the battery receiving portion, the closure member having first and second opposite ends, the first end being exposed through a wall of the tool housing and defining a finger engaging portion for selectively moving the closure member from a lock position to a release position, the closure member being movably biased in the lock position, the first end defining a push button;

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(b) providing an attachment portion integral with the battery, the attachment portion being constructed and arranged for engaging the battery receiving portion, the attachment portion having at least one guide rail;

(c) aligning the attachment portion with the battery receiving portion;

(d) moving the battery in a direction such that the attachment portion slidably engages the battery receiving portion;

(e) wherein the at least one guide channel in the battery receiving portion and the at least one guide rail on the attachment portion interlock;

(f) positioning the battery within the battery receiving portion such that the closure member moves away from the lock position and then, once the battery is inserted fully, to the lock position, thereby securing the battery to the power tool;

(g) depressing the push button such that the closure member moves from the lock position to the release position; and

(h) moving the battery in a second direction such that the attachment portion disengages from the battery receiving portion.

20. (Once Amended) A cordless power tool comprising a battery, the power tool comprising:

(a) a battery receiving portion, integral with the power tool and having at least one guide channel;

(b) an attachment portion, integral with the battery and having at least one guide rail, ~~and~~

~~(c)~~ wherein the at least one guide channel in the battery receiving portion interlocks with the at least one guide rail on the attachment portion; and

~~(d)~~ (c) a closure member operable with and transversely disposed in relation to said battery receiving portion and attachment portion for releasably securing the battery in the power tool,

wherein an end of the closure member defines a push button for selectively moving the closure member from a lock position to a release position when the push button is depressed.